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8 Attorneys for Plaintiff

9 UNITED STATES MAGISTRATE COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,) No. 3 05 70552

13 Plaintiff,)

14 v.)

15 SHEILA WHITTENBERG,)

16 Defendant.)

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM DECEMBER 16, 2005 TO
JANUARY 26, 2006 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

17
18 With the agreement of the parties, and with the consent of the defendant, the Court enters
19 this order scheduling an arraignment or preliminary hearing date of January 26, 2006 at 9:30A.M.
20 before the duty magistrate judge, and documenting the defendant's waiver of the preliminary
21 hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the
22 Speedy Trial Act, 18 U.S.C. § 3161(b), from December 16, 2005 to January 26, 2006. The
23 parties agree, and the Court finds and holds, as follows:

24 1. The defendant has been released on her own recognizance.

25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
26 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
27 preparation, taking into account the exercise of due diligence.

28 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his
3 client's best interest, and that it is not in his client's interest for the United States to indict the
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
8 the Court finds that the ends of justice served by excluding the period from December 16, 2005
9 to January 26, 2006, outweigh the best interest of the public and the defendant in a speedy trial.
10 § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
12 hearing date before the duty magistrate judge on January 26, 2006, at 9:30A.M., and (2) orders
13 that the period from December 16, 2005 to January 26, 2006 be excluded from the time period
14 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
15 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16
17 IT IS SO STIPULATED:

18
19 DATED: December 15, 2005

_____/s
RON TYLER
Attorney for Defendant

20
21
22 DATED: December 14, 2005

_____/s
ROBERT DAVID REES
Assistant United States Attorney

23
24
25 IT IS SO ORDERED.

26
27 DATED: December 16, 2005

HON. ELIZABETH D. LAPORTE
United States District Judge

